

California Regional Water Quality Control Board  
North Coast Region

Order No. R1-2001-61  
ID No. 1B92019RHUM

WASTE DISCHARGE REQUIREMENTS

FOR

PACIFIC LUMBER COMPANY  
TANK GULCH SITE  
UNCLASSIFIED WASTE PILE

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. The Pacific Lumber Company (hereinafter Discharger), whose mailing address is P.O. Box 37, Scotia, CA 95565, submitted a Report of Waste Discharge dated December 21, 2000 for Tank Gulch Solid Waste Disposal Site, a lined waste management unit (WMU) for temporary storage of wood ash. Supplemental information to complete filing of the application was submitted on February 6, 2001, April 6, 2001 and May 24, 2001.
2. The wood ash facility, owned and operated by the Discharger, is located 1/2 mile northeast of the town of Scotia, in Section 5, Township 1N, Range 1E, HB&M (latitude of 40 degrees, 29 minutes, 33 seconds north and longitude of 124 degrees, 05 minutes, 05 seconds west). It is on a gently sloping river terrace approximately 500 feet above the Eel River. Surface water in the vicinity of the site consists of Tank Gulch Creek, Nanning Creek, an unnamed tributary to the Eel River, and the Eel River. Internal site drainage is collected in drainage ditches, routed through sedimentation basins, which discharge toward the unnamed tributary drainage. The unnamed tributary drainage flows to Nanning Creek and then to the Eel River. The wood ash facility is shown in Attachments A, B, C, and D, which are incorporated herein and made a part of this Order. The wood ash facility is known as the Tank Gulch Site (hereinafter Site).
3. On June 27, 1996, the Regional Water Board issued Waste Discharge Requirements Order No. 96-2, updating Order No. 92-58. However, Order No. 96-2 was based on the site being operated only as a solid waste disposal site for ash disposal. The Discharger has achieved 100 percent diversion of the wood ash, predominately for agricultural application. Order No. 96-2 requires modification to reflect current Site operations as a transfer facility rather than for permanent ash disposal. Minor revisions to the monitoring program have been implemented since 1996 and also require updating. No Site Expansion or alteration to the waste stream is proposed at this time.

4. Order No. 96-2 consisted of an individual industrial storm water National Pollutant Discharge Elimination System (NPDES) permit with Waste Discharge Requirements. The revision addresses recision of the Individual Storm Water NPDES permit and an update of the facility Waste Discharge Requirements. The Discharger is required to obtain storm water permit coverage under the General Industrial Storm Water NPDES permit in a separate action.
5. Only the Phase 1 Waste Management Unit (WMU) has been developed and covers approximately 5 acres. The limits of the Phase 1 WMU are shown on Attachment C.
6. Phase 1 WMU was sited and constructed in 1993 as a Class III Non Municipal Solid Waste Disposal Site (SWDS) for wood ash and woodwaste fines. The total design capacity of the Phase 1 WMU as a landfill is 50,000 cubic yards.
7. The Discharger constructed the Phase 1 WMU as follows:
  - a. approximately one-foot operations layer of mixed woodwaste fines and ash
  - b. filter fabric
  - c. one-foot of drain rock
  - d. Leachate Collection and Removal System (LCRS) pipe
  - e. protective layer of filter fabric above the liner at the toe berm
  - f. 60-mil high density polyethylene (HDPE) liner
  - g. prepared compacted native clay base material
  - h. soil excavation up to approximately 20 feet below original grade in portions of the WMU
8. Potential future development plans may include operating Phase 1 WMU as a landfill and the construction of the Phase 2 WMU, shown on Attachment C. However, there are no current plans to utilize the Phase 1 WMU as a landfill or to construct the Phase 2 WMU. These potential future projects are not part of this ROWD, and therefore not subject to or authorized by this Order. The Discharger will be required to submit a revised ROWD should the Discharger want to proceed with development plans for Phase 1 or 2 WMUs in the future. Additionally, further hydrogeologic information is required in a ROWD submittal for construction of any future Phase 2 WMU.
9. The Phase 1 WMU delineated in the Report of Waste Discharge and Attachments C and D meets the construction criteria contained in Title 27 CCR for a Class III non municipal solid waste landfill and is appropriate for use as an unclassified waste pile accepting non-hazardous ash. The Site is currently operated as a waste pile not a solid waste disposal site therefore, this Order is only for waste pile operations at the Phase 1 WMU.
10. A “waste pile”, as defined in Section 20164, Title 27 California Code of Regulations (CCR), means a waste management unit at which only

noncontainerized, bulk, dry solid waste is discharged and piled for treatment or storage on an engineered liner system that prevents the waste from contacting the underlying land surface.

11. The Site accepts non-hazardous wood ash from the Discharger's Scotia cogeneration facility. Fuel is only burned once at the Scotia cogeneration facility and therefore the wood ash is heavier and contains larger particles than ash from twice burn cogeneration facilities. Fuel stock consists of hog fuel, yard waste, and unpainted construction debris from operations at Scotia. Bulk yard waste is inspected prior to acceptance. Unpainted wood demolition debris may be accepted with the approval of the Power Plant Superintendent.
12. Woodwaste fines from dredging the Scotia Sawmill log basin have been discharged and may continue to be discharged to provide an operations layer to protect the liner from damage during ash transfer operations. The one-foot thick operations layer currently consists of approximately 5,000 cubic yards of woodwaste fines.
13. The average daily volume at the Site is estimated at 140 cubic yards per day and is delivered 350 days per year.
14. The Site will receive approximately 10,000- to 16,000-tons per year. Compacted in place ash weighs approximately 2,025 pounds per cubic yard.
15. Maximum operational storage is 16,000 cubic yards of ash in addition to the operations layer. Maximum operational storage volume is based on the estimated high tonnage for one year and the compacted ash volume as reported by the Discharger.
16. Ash is delivered to the Site throughout the year and temporarily stored. Ash is periodically removed for seasonal agricultural application. Under current operations, there is no net change (no net decrease) in capacity from year to year. The waste ash pile is effectively removed from the liner approximately twice a year.
17. Phase 1 WMU development consisted of soil excavation up to approximately 20 feet below grade in portions of the WMU. A low permeability liner was installed across the excavated area sloping down the centerline and along the cross-sections. A Leachate Collection and Recovery System (LCRS) was installed above the liner to remove leachate from the WMU. The leachate is contained in a 12,000-gallon above ground storage tank. Phase 1 WMU development is restricted below the 580' mean sea level elevation contour.
18. Surface, groundwater, and lysimeter monitoring locations have been established for Phase 1 WMU as shown on Attachment C and incorporated into the facility Monitoring and Reporting Program (MRP) No. R1-2001-61.

19. Leachate, which is generated by infiltration of rainfall and decomposition of waste, is a designated waste as defined in Section 20164 of Title 27 CCR, and shall be collected and managed to prevent pollution and nuisance. Leachate is currently either used to wet ash within the lined area or transported in a tanker truck and discharged to the Scotia Wastewater Treatment Plant.
20. During peak leachate generating periods, leachate is hauled to the Scotia Wastewater Treatment Plant seven days a week for disposal. Current maximum leachate hauling is seven loads a day at approximately 3,500 gallons per load.
21. The mean annual precipitation as estimated from the Ferndale monitoring station is 50 inches. The 24-hour storm event with a 100-year return period for Scotia is 8.08 inches. Based on interpolation of nearby weather stations, the short duration 5- and 10- minute storms with a 100-year return period is 3.5 inches per hour and 2.6 inches per hour, respectively.
22. The Site is not located within a 100-year flood zone.
23. The Site is within the Tank Gulch Creek and Nanning Creek watershed of the Ferndale Hydrologic Subarea of the Lower Eel River Hydrologic Area within the Eel River Hydrologic Unit. The Eel River discharges directly into the Pacific Ocean.
24. The beneficial uses of the Eel River include:

a.	municipal and domestic supply	(MUN)
b.	agricultural supply	(AGR)
c.	industrial service supply	(IND)
d.	groundwater recharge	(GWR)
e.	navigation	(NAV)
f.	water contact recreation	(REC1)
g.	noncontact water recreation	(REC2)
h.	commercial and sport fishing	(COMM)
i.	warm freshwater habitat	(WARM)
j.	cold freshwater habitat	(COLD)
k.	wildlife habitat	(WILD)
l.	preservation of rare and endangered species	(RARE)
m.	migration of aquatic organisms	(MIGR)
n.	spawning, reproduction, and/or early development	(SPWN)
o.	estuarine habitat	(EST)
25. The Site is located on the south limb of the Eel River Syncline. Basement rocks consist of Late Cretaceous to early Tertiary age Coastal Belt member of the Franciscan Complex. Locally the Franciscan Complex is unconformably overlain by the middle Tertiary to early Quaternary age Wildcat Group. The Wildcat Group is predominately marine sediments and expected to be over 9,000 feet thick.

26. Geology directly underlying the Site consists of early Pleistocene marine sedimentary deposits of the Rio Dell Formation, which is part of the Wildcat Group, overlain by up to 20 feet of highly weathered relict soil profile. The Rio Dell Formation bedding planes strike 65 degrees to the northwest and dip approximately 65 degrees to the northeast.
27. The Site is not located near a known Holocene fault and no evidence of surface fault rupture or displaced strata was observed at the Site. The nearest faults are the Russ Fault, 2 miles south of the Site, and the Little Salmon Fault, 4 miles northeast of the Site.
28. Land uses within one mile of the Site are timber production and the urban uses associated with the Towns of Rio Dell and Scotia. No wells exist within 1,000 feet of the Site.
29. The majority of groundwater in the Eel River basin flows through Holocene age alluvial aquifers that are not present at the Site location. The Rio Dell Formation is not a primary water bearing formation of the Wildcat Group and well yields in this formation are highly variable. Three wells have been installed at depths of 55, 60, and 65 feet and are thought to monitor distinct water bearing zones. MW-1, screened to 50 feet has been dry since installation. Due to the steeply dipping bedding and confining low permeability soils, groundwater flow in the Rio Dell formation is expected to be along the strike of the bedding plane. A water table surface does not exist beneath the Site. Groundwater is expected to surface at side hill locations along the strike of bedding beyond the limits of the Site.
30. Monitoring Well MW-1 is the point of compliance well, however this well is currently dry and is not sampled. Monitoring Well MW-3 is the upgradient background well. MW-2 is a cross-dip, leak detection well thought to be monitoring a different water-bearing unit than MW-3. A new Point of Compliance well is scheduled to be installed per Provision D.22.
31. Section 20240(c) of Title 27 CCR requires that waste piles be sited, designed, and operated to ensure or maintain at least five feet of separation between contained waste and the highest anticipated level of the groundwater table. The liner is not within five feet of the highest anticipated groundwater.
32. Beneficial uses of areal groundwaters include:
  - a. domestic water supply
  - b. agricultural water supply
  - c. industrial service supply

33. Sections 20950(f) and 20380(b), Title 27 CCR require that the Discharger establish a formal financial mechanism to fund Site closure and known or reasonably foreseeable release from the facility.
34. This Order does not replace the need for a NPDES storm water permit as required by provisions of the federal Clean Water Act (CWA).
35. Effective July 18, 1997, the water quality regulations for disposal facilities formerly contained in Chapter 15, Title 23, CCR, and the solid waste regulations formerly in Title 14 CCR, were re-codified into Chapters 1 through 7, Subdivision 1, Division 2, Title 27 CCR (Title 27). Chapter 15 is therefore no longer applicable to this facility.
36. The Regional Water Board Water Quality Control Plan for the North Coast Region includes water quality objectives and receiving water limitations.
37. This order implements:
  - a) *The Water Quality Control Plan for the North Coast Region (Basin Plan);* and
  - b) The prescriptive standards and performance goals of Chapters 1 through 7, Subdivision 1, Division 2, Title 27, of the CCR, effective July 18, 1997, and subsequent revisions.
38. The discharge is presently governed by Waste Discharge Requirements Order No. 96-2 and NPDES Permit No. CA0025011, adopted by the Regional Water Board on June 27, 1996.
39. A Mitigated Negative Declaration was prepared and adopted by the Humboldt County Environmental Health Department on July 12, 1991 to satisfy the requirements of the California Environmental Quality Act. The Regional Water Board has considered the Mitigated Negative Declaration in connection with issuance of Waste Discharge Requirements Order No. 96-2 and this Order, and has determined that there will be no significant environmental impacts from the continued operation of the Site in accordance with this Order.
40. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
41. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
42. The permitted discharge is consistent with the provisions of State Water Resources Control Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California. The impact on existing water quality will be insignificant.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 96-2 and NPDES Permit No. CA0025011 are rescinded and the Discharger, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, shall comply with the following:

**A. DISCHARGE PROHIBITIONS**

1. The discharge of any waste not specifically regulated by this Order is prohibited.
2. Disposal of waste outside of the lined portion of the Phase 1 WMU is prohibited and restricted below an elevation of 580 feet mean sea level.
3. All wastes discharged at the Site shall be discharged into disposal cells having a continuous liner and leachate collection and removal system.
4. Excavation in excess of 20 feet below natural grade or within 5 feet of the seasonal high groundwater is prohibited.
5. All development or expansion outside the existing 5-acre footprint is prohibited.
6. The Discharger shall not cause the concentration of any Constituents of Concern (COC), as set forth in Table A of the M&R Program No. R1-2001-61 attached hereto and incorporated herein, to exceed its respective concentration limit in any monitored medium. The concentration limit for each monitoring parameter shall be set at the background concentration. Data analysis shall be performed in accordance with the approved M&R Program No. R1-2001-61.
7. The discharge of “hazardous wastes” and “designated wastes” at this facility as defined in Title 27 CCR is prohibited except that leachate generated and collected at the Site is defined as a designated waste and shall be managed as described in Finding 19 of this Order. Any change to the legal point of disposal for leachate requires the approval of the Executive Officer of the Regional Water Board (Executive Officer).
8. The discharge of wastes, including leachate, solid, or waste derived gas to surface waters, surface water drainage systems, or groundwater is prohibited.
9. The discharge of waste to surface waters or within 50 feet of surface waters is prohibited.
10. The discharge of wastes within five feet of the highest anticipated elevation of the groundwater surface is prohibited.

11. Ponding of liquids, including rainfall runoff and leachate, on the liner is prohibited.
12. The discharge of wastes into ponded water from any source is prohibited.
13. Ponding of liquids, including rainfall runoff and leachate, over waste piles is prohibited.
14. The disposal of containerized liquids at this facility is prohibited.
15. The discharge of wastes, including fugitive ash, to a storm water sedimentation basin is prohibited.
16. The discharge of any waste in any manner not specifically described or quantified in the findings and regulated by this Order is prohibited.
17. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the CWC, is prohibited.

## **B. GENERAL SPECIFICATIONS**

1. The discharge of wastes shall not cause water quality degradation by allowing a statistically or non-statistically significant increase over background or baseline concentrations as determined in accordance with M&R Program No. R1-2001-61.
2. Wastes shall only be discharged into, and shall be confined to, the waste management units specifically designed for their containment.
3. Containment structures (liners and caps) shall receive a final inspection and approval by the Regional Water Board before use of the facility commences.
4. All daily cell runoff shall be collected and controlled as leachate.
5. Alternative methods of waste cover may be used to control ash including spraying with water and best management practices. Should these alternative methods fail to control fugitive waste, the Regional Water Board staff may require daily cover as defined in Title 27 CCR.
6. Surface drainage from tributary areas and internal Site drainage from surface or subsurface sources shall not contact or percolate through wastes discharged at this Site. Drainage ditches shall be located, to the maximum extent practicable, such that they do not cross over WMUs. Site drainage over WMUs shall be contained



in man-made drainage conveyance structures such as corrugated metal pipe or in drainage ditches which are lined with at least one foot of compacted soil having an in-place permeability of  $10^{-6}$  cm/sec or less.

7. Closure of the Phase 1 WMU shall be in conformance with Section 21410(a)(1), Title 27 CCR, unless the conditions of Section 21410(a)(2), Title 27 CCR are met.

### C. CONSTRUCTION SPECIFICATIONS

1. Precipitation and drainage control systems shall be designed and constructed to limit, to the greatest extent possible, ponding, inundation, erosion, slope failure, washout and overtopping from precipitation conditions of a 100-year, 24-hour storm event.
2. Both active and closed WMUs shall be designed, constructed, and operated to prevent inundation or washout due to floods with a 100-year return period. WMUs and related containment structures shall be constructed and maintained to prevent, to the greatest extent possible, ponding, infiltration, inundation, erosion, slope failure, washout, and overtopping under 100-year, 24-hour precipitation conditions.
3. All WMU containment structures and erosion and drainage control systems shall be designed and constructed under the direct supervision of a California registered civil engineer, or a certified engineering geologist, and shall be certified by that individual as meeting the prescriptive standards and performance goals of Title 27 prior to waste discharge. Designs shall include a Construction Quality Assurance Plan, the purpose of which is to:
  - a. demonstrate that the WMU has been constructed according to the specifications and plans approved by the Regional Water Board, and
  - b. provide quality control on the material and construction practices used to construct the WMU and prevent the use of inferior products and/or materials that do not meet the approved design plans and specifications.
4. Materials used to construct or repair liners shall have appropriate physical and chemical properties to ensure containment of wastes over the operating life of the WMU. This operating life shall be until removal or, if appropriate, through the closure and post-closure maintenance period. Construction quality assurance and as-built drawings shall be submitted to the Regional Water Board within 60 days of liner installation or repair.
5. Materials used to construct or repair leachate collection and removal systems shall have appropriate physical and chemical properties to ensure the required

transmission of leachate through the systems over the operating life of the WMU. This operating life shall be until removal or, if appropriate, through the closure and post-closure maintenance period. Materials shall have sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials and equipment used on the WMU.

6. All WMU containment structures shall meet the general criteria set forth in Section 20320, Title 27 CCR.
7. All WMU containment structures shall meet the requirements of Sections 20310 through 20377, Title 27 CCR.

#### **D. PROVISIONS**

1. A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel. Key operating personnel shall be familiar with its contents.
2. Discharge of windblown or tracked ash outside of the waste footprint shall be minimized or eliminated through structural and engineering controls.
3. Development of Phase 2 WMU or reverting to operations as a landfill requires the submittal of an expansion Joint Technical Document/Report of Waste Discharge.
4. The Discharger shall comply with these WDRs and the attached M&R Program No. R1-2001-61, incorporated herein by this reference. A violation of the MRP is a violation of these waste discharge requirements. The Discharger shall further comply with all applicable provisions of Title 27 not specifically referred to in this Order.
5. Leachate collection and removal systems shall be operated to prevent the buildup of head on the liner.
6. The Discharger shall submit a Leachate Management Plan by **October 15, 2001**. This plan shall demonstrate that leachate storage is adequate to handle a 100-year 24-hour precipitation in accordance with Section 20365, Title 27 CCR.
7. The Discharger shall report as a part of each regularly scheduled monitoring report the volume of leachate collected each month since the previous monitoring report in accordance with Section 20340(h), Title 27 CCR.
8. In accordance with Section 20340(d), Title 27 CCR, the leachate collection and removal system shall be tested annually to demonstrate proper operation. Results shall be compared with earlier tests made under comparable conditions.
9. The Discharger shall maintain a minimum operating layer of one foot above the LCRS's geosynthetic filter fabric. This operating layer shall be visually different

from the overlying waste to allow visual recognition by equipment operators. Any degradation of the operations layer and underlying liner shall be reported by the field operators to the Discharger. The Discharger shall immediately repair any deficiencies and notify the Regional Water Board staff immediately. The condition of the operations layer and liner and any repairs shall be documented in the annual self-monitoring report.

10. By **September 1, annually**, the Discharger shall submit to the Executive Officer a Winterization Plan describing measures planned to prepare the Site and conduct operations during the wet season.
11. By **October 15 annually**, any necessary erosion control measures shall be implemented and any necessary construction, maintenance, or repairs of the berms, water bars, or drainage control facilities shall be completed to prevent erosion, flooding of the Site, surface drainage from outside the lined area from contacting or percolating through wastes, or discharge of ash from the liner area. Rainfall runoff from the Site outside of the liner shall be channeled through sedimentation basins to minimize sedimentation in surface drainage courses downgradient of the Site. Sedimentation basins shall be cleaned out during the rainy season as necessary to maintain adequate sedimentation capacity and to remove any fugitive ash.
12. By **December 1, annually**, the Discharger shall submit a report to the Executive Officer describing measures taken to comply with the Winterization Plan.
13. Prior to any construction the Discharger shall obtain any and all permits required under federal, state, or local laws.
14. The Discharger shall obtain and maintain adequate assurances of financial responsibility for closure and corrective action for all known and reasonably foreseeable releases from a WMU at the facility in accordance with Sections 20380(b), 20950, 22207(a), 22212(a), 22220, 22221, and 22222 of Title 27 CCR.
15. By **July 1, 2002, 2007, 2012**, and every five years thereafter, for the term of this permit, the Discharger shall provide as part of the **Annual Report** an updated closure costs and corrective action cost estimate to the Regional Water Board for review. The Discharger shall demonstrate to the CIWMB and report to the Regional Water Board that it has established an acceptable financial assurance mechanism described in Section 22228, Title 27 CCR in at least the amount of the cost estimate approved by the Executive Officer. Acceptable financial assurance mechanisms for this Site are a trust fund, letter of credit, a surety bond, financial means test, guarantee, liability insurance, or closure and/or postclosure maintenance and/or reasonably foreseeable corrective action costs insurance.
16. **July 1 annually**, the Discharger shall make a demonstration of the financial assurance mechanism for the approved amount in the **Annual Report**.

17. The Discharger is required to update approved cost estimates annually to account for inflation in accordance with Section 22236, Title 27 CCR.
18. The Discharger shall maintain waste containment facilities until removal and maintain precipitation and drainage control systems throughout the post-closure maintenance period. The Discharger shall immediately notify the Regional Water Board of any flooding, equipment failure, slope failure, or other change in Site conditions which could impair the integrity of waste or leachate containment facilities or of precipitation and drainage control structures.
19. The Discharger shall continue to monitor each WMU (until removal), surface drainage, and underlying media throughout the post-closure maintenance period per M&R Program No. R1-2001-61. Monitoring shall continue until the Regional Water Board determines that the Site no longer threatens water quality.
20. If the Site is not clean closed, the Discharger shall provide proof to the Regional Water Board **within sixty days after completing final closure** that the deed to the facility property, or some other instrument that is normally examined during title search, has been modified to include, in perpetuity, a notation to any potential purchaser of the property stating that:
  - a. the parcel has been used for solid waste disposal and closed as a landfill;
  - b. land use options for the parcel are restricted in accordance with the post-closure land uses set forth in the post-closure plan and in WDRs for the WMU; and
  - c. in the event that the Discharger defaults on carrying out either the post-closure maintenance plan or any corrective action needed to address a release, and then the responsibility for carrying out such work falls to the property owner.
21. The Discharger or persons employed by the Discharger shall comply with all notice and reporting requirements of the State Department of Water Resources with regard to the construction, alteration, destruction, or abandonment of all monitoring wells used for compliance with this Order or with M&R Program No. R1-2001-61, as required by Sections 13750 through 13755 of the CWC.
22. By **July 1, 2002**, a well down dip of the Phase 1 WMU shall be established in accordance with Section 20405, Title 27 CCR. This down dip well shall serve as a groundwater Point of Compliance.
23. Monitoring points and Points of Compliance for surface water and groundwater shall be as listed in the M&R Program No. R1-2001-61 for the site.

24. **By December 2001, in April 2006, in April 2011**, and in April every five years thereafter, the Discharger shall sample and test leachate and all monitoring wells for Chemicals of Concern. The Discharger shall submit to the Regional Water Board, by the **July 1** annual report following the leachate sampling, an evaluation of existing data, proposed background concentrations for each compound in each media monitored and proposed revision to the self monitoring program, if necessary.
25. If the Discharger determines that there is measurably significant evidence of a release from the WMU, as defined in Section 20164, Title 27 CCR, has occurred, the Discharger:
  - a. shall immediately notify the Regional Water Board verbally and take all necessary corrective actions. Written notification by certified mail shall be provided within 7 days of occurrence. [Section 20420(j)(1), Title 27 CCR]
  - b. can immediately initiate the verification procedure pre approved by the Regional Water Board to verify the release. [Section 20420(j)(2), Title 27 CCR]
26. Immediately following detection of a release, or after completion of the retest, the Discharger:
  - a. Shall immediately sample all Monitoring Points in the affected medium at the WMU and determine the concentration of all COCs. [Section 20420(k)(1), Title 27 CCR]
  - b. Within 90 days of determining measurably significant evidence of release, submit an amended ROWD to establish an evaluation monitoring program, in accordance with the Section 20420(k)(5), Title 27 CCR.
  - c. Within 180 days of verifying statistically significant evidence of a release from a WMU, submit an engineering feasibility study for a corrective action program. The corrective action program shall at a minimum meet the requirements of Section 20430, Title 27 CCR. [Section 20420(k)(6), Title 27 CCR]
27. The Discharger shall report to the Regional Water Board by certified mail the results of both the initial statistical test and the results of the verification procedure, as well as all concentration data collected for use in these tests within seven days of the last laboratory analysis of the samples collected for the verification procedure. [Section 20415(e)(8)(E)(6), Title 27 CCR]

28. If the Discharger verifies that there has been a measurably significant release from the WMU, the Discharger may demonstrate that a source other than the WMU caused the evidence of a release or that the evidence is an artifact caused by an error in sampling, analysis, or the data analysis protocol. [Section 20420(k)(7), Title 27 CCR] The Discharger may make a demonstration in addition to or in lieu of submitting an amended report of waste discharge and an engineering feasibility study pursuant to Section 20420(k)(5), Title 27 CCR and Section 20420(k)(6), Title 27 CCR. The Discharger is not relieved of the requirements specified in Sections 20420(k)(5) and (k)(6), Title 27 CCR unless the demonstration report is accepted by the Executive Officer. In making a demonstration, the Discharger shall:
  - a. Within 7 days of determining measurably significant evidence of a release, submit a report to the Regional Water Board by certified mail stating that the Discharger intends to make a demonstration pursuant to Section 20420(k)(7)(A), Title 27 CCR.
  - b. Within 90 days of determining measurably significant evidence of a release, submit a report to the Regional Water Board that demonstrates that a source other than the WMU caused the apparent release. [Section 20420(k)(7)(B), Title 27 CCR]
  - c. Within 90 days of determining measurably significant evidence of a release, submit an amended report of waste discharge to make any appropriate changes to the detection monitoring program. [Section 20420(k)(7)(C), Title 27 CCR]
29. If the Discharger determines that there is significant physical evidence of a release, as described in Section 20385(a)(3), Title 27 CCR or that the detection monitoring program does not meet the requirements of Section 20420, Title 27 CCR, the Discharger shall:
  - a. notify the Regional Water Board by certified mail within 7 days of such a determination [Section 20420(l)(1), Title 27 CCR]; and
  - b. within 90 days of such a determination, submit an amended ROWD to the Regional Water Board to make any appropriate changes to the program [Section 20420(1)(2), Title 27 CCR]
30. Any time the Regional Water Board determines the detection monitoring program does not satisfy the requirements of Section 20420, Title 27 CCR the Regional Water Board shall send written notification of such a determination to the Discharger by certified mail, return receipt requested. The Discharger shall within 90 days after receipt of notification by the Regional Water Board, submit an amended ROWD to make any appropriate changes to the program. [Section 20420(m), Title 27 CCR]

31. The Discharger shall notify the Regional Water Board in writing of any proposed change of ownership or responsibility for construction, operation, closure or post-closure maintenance of the WMU. This notification shall be given prior to the effective date of the change and shall include a statement by the new Discharger that construction, operation, closure, and post-closure maintenance will be in compliance with any existing waste discharge requirements and any revisions thereof. The Regional Water Board shall amend the existing waste discharge requirements to name the new Discharger.
32. After notice and opportunity for hearing, this Order may be terminated or modified for cause, including but not limited to:
  - a. violation of any term or condition in this Order;
  - b. obtaining this Order by misrepresentation, or failure to disclose fully all relevant facts; and
  - c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
33. The Discharger shall remove and relocate any wastes discharged at this Site in violation of this Order.
34. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.
35. Operation and Maintenance

The Discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed by the Discharger to achieve compliance with the waste discharge requirements.
36. Change in Discharge

The Discharger shall promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge.
37. Change in Ownership

In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the following items by letter, a copy of which shall be forwarded to the Regional Water Board:

  - a. existence of this Order, and

- b. the status of the Dischargers' annual fee account.

38. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Discharger from his liability under federal, State, or local laws, nor create a vested right for the Discharger to continue the waste discharge.

39. Inspections

The Discharger shall permit authorized staff of the Regional Water Board:

- a. entry upon premises in which a waste source is located or in which any required records are kept;
- b. access to copy any records required to be kept under terms and conditions of this Order;
- c. inspection of monitoring equipment or records; and
- d. sampling of any discharge.

40. Noncompliance

In the event the Discharger is unable to comply with any of the conditions of this Order due to:

- a. breakdown of waste treatment equipment;
- b. accidents caused by human error or negligence; or
- c. other causes such as acts of nature;

the Discharger shall notify the Executive Officer by telephone as soon as it or its agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

41. Accidental Spills, Incident Reporting and Monitoring

The Discharger shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the M&R Program No. R1-2001-61 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Order and incorporated herein. Chemical,



bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services.

- a. Order No. 74-151 requires immediate incident reporting of unintentional or accidental spills (including Emergency Response actions) and diligent action to abate the effects of the discharge. Written confirmation of the incident is required within two weeks of notification.
- b. General Monitoring and Reporting Provisions require sampling and analysis performance criteria in addition to compliance reporting criteria and timeframes.

42. Revision of Requirements

The Regional Water Board will review this Order periodically and may revise requirements when necessary.

43. This Regional Water Board requires the Discharger to file a report of waste discharge at least 120 days before making any material change or proposed change in the character, location, or volume of the discharge.

Certification

I, Lee A. Michlin, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on June 28, 2001.

Lee A. Michlin  
Executive Officer

(PL\_TankGulch\_WDR)